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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/029,363 | 12/20/2001 | Jun Akiyama | 70868/56816 | 4327 |

21874 7590 10/07/2005

EDWARDS & ANGELL, LLP
P.O. BOX 55874
BOSTON, MA 02205

EXAMINER

HUBER, PAUL W

ART UNIT PAPER NUMBER

2653

DATE MAILED: 10/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|-------------------------------------|--|
| Office Action Summary | Application No. 10/029,363 | Applicant(s) AKIYAMA, JUN | |
| | Examiner Paul Huber | Art Unit 2653 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5,6 and 9-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2,5,6,9 and 10 is/are allowed.
- 6) ☒ Claim(s) 11-14 and 17 is/are rejected.
- 7) ☒ Claim(s) 15,16 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11-14 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Ikeda et al. (USP-6,067,284).

Regarding claims 11 & 17, Ikeda et al discloses an optical disk apparatus in which an active (recording) layer of an optical disk 72 is irradiated with a laser. See figures 1A, 1B, & 2. A detection means (temperature sensor 36) detects an amount of change in a factor (temperature) causing fluctuations in effective power, the effective power being the laser power at the active layer of the optical disk. See col. 4, lines 12-16. A storage means 210 stores compensation data (default power tables 212, 214 and temperature correction coefficient table 216) which indicates a relationship between an amount of change in the factor (temperature) causing fluctuation in effective power and an optimum emitting power corresponding to the amount of that change. See figures 6A & 6B. "The temperature correction coefficients K_t in the temperature correction coefficient table 216 of FIG. 9 are set to values when a temperature (T) in the apparatus = 25° C (col. 11, lines 43-46). See col. 17, lines 42-57, which further teaches that "by substituting the temperature (T) in the apparatus into the relational equation [shown in figure 15], a value of the corresponding temperature coefficient K_t is obtained. By multiplying this value by the default offset ratio ΔWPO obtained at the temperature (T=25° C.), the default offset ratio ΔWPO which is used for calculation of the optimum writing power can be obtained". A control means 224 adjusts the emitted power based on the compensation data and a value detected by the detection means. Ikeda further teaches that "since the optimum recording power of the medium is changed depending on the apparatus temperature, when an environmental temperature change of the apparatus is equal to or larger than a specified value, the test writing is performed and the recording power is reset" (col. 4, lines 12-16). Therefore, the compensation data is obtained by changing a factor causing fluctuation in effective power (i.e., temperature) with respect to an optical disk for testing, and sequentially changing emitted power of the laser emitted from a laser source according to the temperature factor causing fluctuation as claimed.

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Regarding claims 12-14 & further regarding claim 17, Ikeda et al teaches acquisition means (power table forming unit 206) for acquiring from an optical disk on which recording is to be carried out, compensation correction values for correcting the compensation data. The control means adjusts emitted power based on the detected values, the compensation data, and the compensation correction values.


Claims 1, 2, 5, 6, 9 and 10 are allowed.

Claims 15, 16 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to Paul Huber at telephone number 571-272-7588.


Paul Huber
Primary Examiner
Art Unit 2653

pwh
October 3, 2005